

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

November 9, 2011

Ms. Kathryn Ruemmler
Counsel to the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Ms. Ruemmler:

Thank you for your letter dated November 4, 2011, regarding your receipt of the subpoena the Committee issued on November 3, 2011, in connection with our investigation of Solyndra, Inc. (Solyndra). We appreciate your willingness to work with the Committee to accommodate its legitimate oversight interests.

Executive Branch departments or agencies typically perform an internal review in response to Committee document requests and provide feedback to the Committee staff that can better inform the issues surrounding the production of documents. As we expressed during our meeting one week ago, in order to move this negotiating process forward, it is important that you provide information from your own internal review, such as how many individuals in the White House were involved in the Solyndra matter and the quantity and type of responsive documents in the possession of the White House. We could then discuss your concerns based on actual facts rather than hypothetical fears about the nature and scope of the Committee's request.

As for your suggestion that we first review the documents previously produced by other agencies, please be assured that we did so before issuing the subpoena. Many of those documents demonstrate that White House employees were closely involved with decisions regarding Solyndra and the loan guarantee program, which is precisely the reason that we sent our document request letters to you over the past two months. Those requests were largely ignored, forcing the Committee to issue the subpoena.

The documents we have obtained thus far demonstrate that such high level White House advisors as Valerie Jarrett, Ron Klain, Rahm Emanuel, and Larry Summers were involved in discussions and decisions related to Solyndra. This raises some serious questions about the

management of the Department of Energy (DOE) loan guarantee program, as well as the priorities of the White House. If only a few White House employees were involved in the Solyndra matter and thus there is only a small number of documents responsive to our subpoena, those documents will not be costly or burdensome to produce. If, on the other hand, numerous White House employees were involved in the Solyndra matter and there are a large number of responsive documents to produce, then other questions are raised. Based on the documents that we have obtained thus far, it seems clear that this intense interest in Solyndra manifested itself in pressure on DOE and the Office of Management and Budget to rush their decisions related to Solyndra's loan guarantee, ultimately resulting in the loss of over half a billion dollars of taxpayer money.

Further, while our inquiry is not focused solely on possible political influence surrounding the Solyndra loan guarantee, that is certainly one area of interest. We note that the White House has repeatedly stated that no political influence was brought to bear with regard to Solyndra, and that Mr. George Kaiser, a Solyndra investor and Obama fundraiser, never discussed Solyndra during any of his seventeen visits to the White House.¹ Documents recently obtained by the Committee directly contradict those statements. Please see attached three such examples that clearly establish that Mr. Kaiser and/or his operatives discussed Solyndra with White House officials.

In light of the foregoing, the American people clearly deserve to know why they have lost over 500 million dollars as a result of the Administration's decision to proceed with the Solyndra loan guarantee and its restructuring. To advance that cause, we stand ready to engage in further discussions with you regarding the document production. In the absence of any further information from you regarding the scope of the responsive documents in your possession, however, we expect you to fully comply with the stated deadline.

Please call one of us or have your staff call Karen Christian or Todd Harrison with the Committee staff at (202) 225-2927 when you are prepared to discuss these matters further.

Sincerely,



Fred Upton
Chairman

Cliff Stearns
Chairman
Subcommittee on Oversight and Investigations

¹ October 6, 2011, ABCNEWS.com, Obama: Solyndra Got Loan 'On the Merits'

Quoting from the report: "a White House official familiar with an internal review of meetings between Kaiser and such senior presidential aides as Valerie Jarrett and Pete Rouse, told ABC News that the White House now firmly believe that Kaiser never broached the subject of the Solyndra loan. Kaiser has 'said publically (sic) that Solyndra was not discussed at these meetings, and we have no reason to dispute that,' the White House official said, speaking on the condition of anonymity because he had not been given approval to discuss the matter."

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cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Diana DeGette, Ranking Member
Subcommittee on Oversight and Investigations